

REMARKS

Claims 11, 12 and 14-18 are pending in this application. Claim 11 has been amended, and claim 13 has been canceled without prejudice or disclaimer. Reconsideration and allowance of all the claims are respectfully requested in view of the following remarks.

Claim Rejections Under 35 U.S.C. § 103

Claims 11-15 and 17 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,341,572 to Howell et al. (hereinafter 'Howell') in view of U.S. Patent Publication No. 2003/0226669 to Wagner et al. (hereinafter 'Wagner').

Claim 16 and 18 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Howell et al. in view of German Patent No. DE 19811851 A1 to Wagner et al. (hereinafter "DE '851").

For the following reasons, these rejections are respectfully traversed.

Response

Claim 11 has been amended to recite wherein the control concentration (RK) corresponds to the limit concentration (GK) less the failure safety margin (ASA) and a safety margin (S), such that the oxygen content in the protected area is reduced to the control concentration (RK) which is much lower than the limit concentration (GK).

Paragraph Nos. [00041] – [00044] and Figure 3 of the subject application clearly provide support for the present amendment, since the oxygen content is initially reduced to the control concentration (RK) which is much lower than the limit concentration (GK). The control concentration (RK) is clearly shown as corresponding to the limit concentration (GK) less the safety margin (S) and the failure safety margin (ASA) (see the left side of Fig. 3).

According to the present invention, the oxygen content in the protected area is not only reduced to the limit concentration (GK), but is intentionally reduced to the control concentration (RK) which is much lower compared with the limit concentration (GK). As noted above, the control concentration (RK) corresponds to the limit concentration (GK) less a failure safety margin (ASA) and a safety margin (S). By intentionally reducing the oxygen content in the protected area to the control concentration (RK) which is much lower than the limit concentration (GK), the present invention effectively prevents the ignition or re-ignition of combustible materials in the protected area even in the event of a malfunction that effects the primary source.

In these circumstances, the prevention is intended to reduce the oxygen content in the protected area to a level control concentration (RK) which corresponds to an oxygen concentration which is much lower compared with the oxygen concentration which corresponds to the limit concentration (GK), i.e., the threshold value of the oxygen content in the protected area at which the ignition or re-ignition of combustible materials in the protected area can be prevented.

Howell, whether taken alone or together with Wagner, clearly does not teach or suggest reducing the oxidant content to a level which is much lower than the oxygen content which corresponds to the limit concentration. Rather, column 5, lines 18 to 26 of Howell teaches reducing the oxygen content of the enclosure gas mixture sufficiently that combustion of the mixture will not occur, regardless of the volume of combustible gas within the mixture. Thus, Howell only teaches one skilled in the art to reduce the oxygen content to a control concentration which corresponds to the limit concentration or slightly lower than the limit concentration. In contrast, the present invention as recited in claim 11 sets the control concentration (RK) to a level

which is much lower than the limit concentration (GK) so that the oxygen content in the enclosed area cannot access the limit concentration even in a case of a failure of the inert gas source.

Moreover, the arguments regarding Wagner set forth in the Response filed March 26, 2009, are still apropos and are therefore incorporated herein by reference. In short, there is no recognition in Wagner '669 of a failure safety margin ASA which is far below the design concentration.

The dependent claims 12 and 14-18 are patentable for the reasons set forth above, as well as based on the recitations set forth therein.

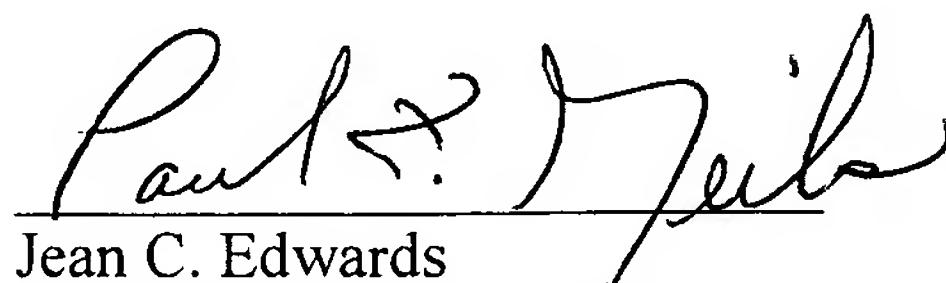
CONCLUSION

Reconsideration and withdrawal of all the pending rejections and allowance of the application are hereby solicited.

If the Examiner believes that there is any issue that could be resolved by a telephone or personal interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Applicants hereby petition for any extension of time which may be required to maintain the pendency of this case, and any required fee for such an extension is to be charged to Deposit Account No. 50-0951. Applicants also hereby authorize the USPTO to charge Deposit Account No. 50-0951 for any excess claim fees necessitated by this amendment, and any other fees required to maintain the pendency of this application.

Respectfully submitted,



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Date: November 5, 2009